

ASSEMBLY BILL

No. 32

Introduced by Assembly Member Jeffries

July 16, 2009

An act to amend Sections 5080.31 and 5080.40 of, and to add Section 5080.30.5 to, the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 32, as introduced, Jeffries. State parks: transfer: local governments.

(1) Under existing law, the Department of Parks and Recreation has control of the state park system. The department is authorized to enter into an agreement with a city, county, district, or other public agency for the care, maintenance, administration, and control over land in the state park system. The general plan of each unit subject to that agreement is required to be reviewed by the State Park and Recreation Commission.

This bill would require the department to enter into negotiations with a city, county, district, or other public agency requesting to enter into an agreement for the operation of a state park that is scheduled for closure due to budget constraints, within 30 days of that request. The bill would require that, if an agreement is not reached before the state park is scheduled to be closed, the city, county, district, or other public agency requesting to operate the state park be offered the opportunity to lease that state park for \$1 per year until an agreement can be concluded. The bill would exempt the \$1 per year interim lease from the requirements that operating leases or agreements be reviewed by either the Legislature as part of the annual budget process or the State Public Works Board, as prescribed.

This bill would also require the State Park and Recreation Commission to review the general plan subject to these agreements within 30 days of the receipt of the general plan.

(2) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on July 1, 2009.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on July 1, 2009, pursuant to the California Constitution.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5080.30.5 is added to the Public
2 Resources Code, to read:
3 5080.30.5. (a) If a city, county, district, or other public agency
4 requests the department to enter into negotiations with regard to
5 entering into an agreement for the operation of a state park pursuant
6 to Section 5080.30 that is scheduled for closure due to budget
7 constraints, the department shall do so within 30 days of that
8 request.
9 (b) Notwithstanding the requirements of subdivisions (a) and
10 (b) of Section 5080.40, if the state park is scheduled to be closed
11 due to budget constraints before an operation agreement pursuant
12 to Section 5080.30 can be reached, the city, county, district, or
13 other public agency requesting to operate the state park shall be
14 offered the opportunity to lease that state park for one dollar (\$1)
15 per year until an agreement can be concluded.
16 SEC. 2. Section 5080.31 of the Public Resources Code is
17 amended to read:
18 5080.31. (a) ~~The~~ *Except as provided in subdivision (c), the*
19 general plan for a unit of the state park system that is the subject
20 of an agreement entered into pursuant to this article shall, in
21 addition to the requirements set forth in Section 5002.2, specifically
22 evaluate and define the manner in which the unit is proposed to
23 be operated. The general plan shall be reviewed by the commission
24 for a determination that the unit will be operated in a manner that

generally meets the standards followed by the department in its operation of similar units, ~~that~~ enhances the general public use and enjoyment of, and recreational and educational experiences at, the unit, and ~~that~~ provides for the satisfactory management of park resources.

(b) The general plan for a unit that is the subject of an agreement entered into pursuant to this article may be prepared either by the department or by the public agency that is to operate the unit pursuant to the agreement.

(c) The general plan for a unit of the state park system that is the subject of an agreement entered into pursuant to Section 5080.30.5 shall, in addition to the requirements set forth in Section 5002.2, specifically evaluate and define the manner in which the unit is proposed to be operated. Within 30 days of receipt of the general plan, the general plan shall be reviewed by the commission for a determination that the unit will be operated in a manner that generally meets the standards followed by the department in its operation of similar units, enhances the general public use and enjoyment of, and recreational and educational experiences at, the unit, and provides for the satisfactory management of park resources.

SEC. 3. Section 5080.40 of the Public Resources Code is amended to read:

5080.40. (a) ~~No~~ An operating lease or agreement shall *not* be entered into, or amended, pursuant to this article unless one of the following has occurred:

(1) The Legislature has reviewed the lease or agreement, or amendment, as part of the annual budget process or the requirements of paragraph (2) have been met.

(2) Following enactment of the annual Budget Act, the State Public Works Board determines that the proposed lease or agreement or amendment could not have been presented to the Legislature for review during the annual budget process, or that the proposed lease or agreement or amendment was reviewed during the annual budget process but it is necessary to revise the terms of the lease or agreement or amendment in a material respect, and the State Public Works Board determines that it is adverse to the interests of the public to defer that review to the next annual budget process. Upon making its determination, the State Public Works Board may review and approve the proposed lease or

1 agreement or amendment, or any revision thereof, not sooner than
2 20 days after the board has provided written notification to the
3 Chairperson of the Joint Legislative Budget Committee, the
4 Chairperson of the Assembly Ways and Means Committee, and
5 the Chairperson of the Senate Budget and Fiscal Review
6 Committee of the intended action. All actions taken by the State
7 Public Works Board pursuant to this paragraph shall be reported
8 to the Legislature in the next Governor's Budget.

9 (b) The department shall include with the proposed lease or
10 agreement or amendment sufficient documentation to enable the
11 Legislature or the State Public Works Board, as the case may be,
12 to evaluate fully the estimated operating costs and revenues and
13 all terms upon which the lease or agreement or amendment is
14 proposed to be entered into. Specifically, the documentation shall
15 identify both of the following:

16 (1) Any anticipated costs to the state for operation or
17 development under the lease or agreement or amendment and the
18 anticipated state share of total operation and development costs.

19 (2) The anticipated annual revenues, net of operation costs, for
20 the unit and the state's share of these revenues.

21 (c) Leases or agreements shall be exempt from subdivisions (a)
22 and (b) when all of the following conditions exist:

23 (1) The lease or agreement involves operation of only a portion
24 of a unit of the state park system.

25 (2) The term of the lease or agreement is for a period of 20 years
26 or less.

27 (3) The lease's or agreement's impact to the unit, including
28 concessions revenue, will not exceed five hundred thousand dollars
29 (\$500,000) in annual gross revenue generated on the property.

30 (4) The lease or agreement involves no significant change in
31 state operational funding or staffing levels, and does not include
32 present or future state expenditures for development of the unit.

33 (d) Amendments to existing leases or agreements shall be
34 exempt from subdivisions (a) and (b) when all of the following
35 conditions exist:

36 (1) The amendment involves operation of only a portion of a
37 unit of the state park system.

38 (2) The amendment's impact to the unit will not exceed five
39 hundred thousand dollars (\$500,000) in annual gross revenue
40 generated on the property.

1 (3) The amendment involves no significant change in state
2 operational funding or staffing levels, and does not include present
3 or future state expenditures for development of the unit.

4 (e) *A lease entered into pursuant to subdivision (b) of Section*
5 *5080.30.5 shall be exempt from the requirements of subdivisions*
6 *(a) and (b).*

7 SEC. 4. This act addresses the fiscal emergency declared by
8 the Governor by proclamation on July 1, 2009, pursuant to
9 subdivision (f) of Section 10 of Article IV of the California
10 Constitution.

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